

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

In re:

JEFFREY BRIERE  
Debtor

BK-16-11284  
CHAPTER 13

MOTION TO DISMISS

John Boyajian, Trustee in the above-entitled matter, moves this Court to dismiss the within Chapter 13 proceeding.

The debtor's Chapter 13 petition was filed on July 26, 2016, and the Chapter 13 Plan was confirmed on October 12, 2016 and amended on December 16, 2016. The confirmed Chapter 13 Plan requires that the debtor pay to the Trustee \$1,015.00 per month for 4 months and then \$1,315.00 per month for 56 months. To date, the debtor should have paid a total of \$22,470.00 but only \$14,580.00 has been paid. The last payment was received in October 2017. The debtor is currently in arrears in the amount of \$7,890.00. The failure of the debtor to maintain payments as described above is a material default under the plan.

Because of the debtor's material default and pursuant to 11 U.S.C. §1307(c)(6), the Trustee moves that the within Chapter 13 petition be dismissed.

/s/ John Boyajian  
John Boyajian, Trustee  
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Within fourteen (14) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATION

I hereby certify that a copy of the within Motion to Dismiss was mailed, postage prepaid, to Jeffrey Briere, 950 Danielson Pike, N. Scituate, RI 02857 and electronically mailed to Edward Gomes, Esq. at [attyejg@yahoo.com](mailto:attyejg@yahoo.com) on February 15, 2018.

/s/ Martha Hunt